

Regulation Section	Comments 45 Day Comment Period and 15 Day Comment Period after Modifications	Name of Person and Affiliation	Response	Action
§13680(e)				Subsection redrafted to clarify that documents in registration packet are those specified in (e)(1) through (14).
§13681(a)				This regulation was reworded to clarify that the 2 year limit only applies to the records required to be kept under Labor Code Section 1174.
§13682(b)(3)	- The notice of increase of the bond should contain the exact reasons why the bond is being increased.	SHEA, Western Carwash Association, letter rec'd 6/21/05	We disagree. The requirement of a hearing and statement of reasons prior to increasing the bond amount will unnecessarily delay the increase. Discretion is needed so that the Labor Commissioner may determine on a case by case basis whether an increase in the bond is necessary. The factors that may be considered by the Labor Commissioner in determining whether the bond should be increased	The regulation was amended to provide that the bond could be increased upon 30 days notice at any time and not just prior to expiration of the registration.

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			are listed in (b)(3). The Labor Commissioner does not have unfettered discretion and may not act arbitrarily.	
§13684	<p>- The certificate of registration should include information about filing a claim with the Car Wash Restitution fund so that when the certificate is posted, as required, the employees will be informed about the Fund.</p> <p>-The Commenter suggests that the posted Registration Certificate include information about the bond and Restitution Fund and that it be translated into the language spoken by the employees. In addition, the regulation should require the Labor Commissioner to notify each claimant who files a claim against a car wash of the existence of the fund and the procedures for applying for</p>	<p>GARCIA, NARRO, UCLA Center for Labor Research and Education, letter rec'd 6/21/05</p> <p>HUNG, LAFLA, Letter rec'd 6/21/05; testimony at public hearing</p>	<p>We disagree. The Act only requires a posting of proof of registration and not the other information requested by the Commenters. It is anticipated that information concerning the Fund and how to apply will be disseminated by the Labor Commissioner .</p> <p>We disagree. See Comments above. Requiring that the Labor Commissioner notify each and every claimant against a car wash of the existence of the fund is beyond the requirements of the act and creates resource problems. It is anticipated, however, that the claimants will be notified, at least orally, of the recourse of the fund for</p>	<p>No action.</p> <p>No action.</p>

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	money from the fund.		payment of monies owed. The registration form is provided by the Labor Commissioner for posting. As with the other registration forms, i.e. for garment, etc, they need only be in English.	
§13689	-The Commenter states that the Labor Commissioner should be required to cite any employer who has failed to register and therefore, the word “may” should be changed to “shall.”	MONROE, Bet Tzedek Legal Services, Los Angeles Workers’ Advocates Coalition (LAWAC), letter rec’d 6/21/05; GARCIA, NARRO, UCLA Center for Labor Research and Education, letter rec’d 6/21/05; TELLO, LA County Neighborhood Legal Services, Testimony at public hearing; GARCIA, MCTF, letter rec’d 6/17/05; STEHLIK, LA County Neighborhood Legal Services, Letter rec’d	We disagree. The statute only provides that an employer who fails to register is subject to a citation. In almost all cases, a car wash will be cited if an investigation shows that it is operating without registration. However, the “may” language is needed because there may be situations where the principal of the business cannot be located or the operation goes out of business.	No action.

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	<p>- In addition, the citation should also be able to be served by substitute service with first class mail follow up.</p>	<p>6/21/05</p> <p>MONROE, Bet Tzedek Legal Services, Los Angeles Workers' Advocates Coalition (LAWAC), letter rec'd 6/21/05; TELLO, LA County Neighborhood Legal Services, Testimony at public hearing; GARCIA, MCTF, letter rec'd 6/17/05; SUNWOO, MIWON, Letter rec'd 6/20/05; STEHLIK, LA County Neighborhood Legal Services, Letter rec'd 6/21/05; KHAN, South Asian Network, Letter rec'd 6/20/05; Sweatshop Watch, Letter dated 6/17/05; MARBLESTONE, APALC, letter rec'd 6/21/05;</p>	<p>We disagree. The only citation issued by the Labor Commissioner which may be served in this matter is for failure to have workers' compensation insurance and this provision is specifically in the statute.</p>	

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		DOMENZAIN, Sweatshop Watch, Testimony at public hearing		
§13690	-The Commenter WCA states that the only penalty for failing to register should be the monetary fine.	SHEA, Western Carwash Association, letter rec'd 6/21/05	We disagree. If a car wash has been operating without registration, it is in violation of the law and operating in violation of the law is grounds for refusing to register a car wash in this highly regulated industry.	No action.
§13691	Section (i) should be changed to read that the Labor Commissioner "shall" file a certified copy with the court, if the employer does not request a hearing.	MONROE, Bet Tzedek, LAWAC, etc.	We disagree. Sometimes the Labor Commissioner will enter into payment plans for the payment of citations and in some of these cases, judgment is only entered if payment is not made.	No action
§13693	-The Commenter questions 13693(d).	DUKE, Surety Association of America, Letter rec'd 6/6/05	We disagree. Upon further review, it appears that pursuant to the CCP, bonds remain liable for any liabilities which occurred during the life of the bond. Therefore, this provision may be unnecessary and	No action

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	<p>The Commenter suggests adding the following language to the bond: “The aggregate liability of the Surety shall not exceed the penal amount of this bond regardless of the number of years this bond remains in force or the number of claims made under this bond.” This language will provide the surety with certainty as to the extent of its monetary exposure.</p> <p>-The Commenter states that there should be a provision that when there is a predecessor car wash that the worker, who has a claim against the predecessor, should first go</p>	<p>DUKE, Surety Association of America, Letter rec’d 6/6/05</p> <p>MONROE, Bet Tzedek Legal Services, Los Angeles Workers’ Advocates Coalition (LAWAC), letter rec’d 6/21/05;</p>	<p>duplicative of the CCP provisions and is being withdrawn for further study. Since the CCP allows the surety to cancel the bond, this section may also be unenforceable.</p> <p>The liability of the surety on the bond is governed by statute and the bond form has been revised to include a similar provision.</p> <p>.</p> <p>The bond and undertaking law in the CCP provides that the bond is liable for all liabilities which arose during the term of the bond. Therefore, this suggestion</p>	<p>No action.</p> <p>No action.</p>

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	after the bond of the predecessor before proceeding against the successor's bond. In addition, the Labor Commissioner should be required to revoke/deny a registration based on failure to provide a bond.	GARCIA, NARRO, UCLA Center for Labor Research and Education, letter rec'd 6/21/05, Testimony at public hearing; TELLO, LA County Neighborhood Legal Services, Testimony at public hearing; GARCIA, MCTF, letter rec'd 6/17/05; SUNWOO, MIWON, Letter rec'd 6/20/05; STEHLIK, LA County Neighborhood Legal Services, Letter rec'd 6/21/05; KHAN, South Asian Network, Letter rec'd 6/20/05; Sweatshop Watch, Letter dated 6/17/05; ARREDONDO, Traber & Voorhees, letter rec'd 6/21/05; MARBLESTONE, APALC, letter rec'd 6/21/05	is unnecessary. It is necessary to give the Labor Commissioner discretion on whether to revoke/deny registration depending on resources and timing to wait to act until an application for renewal is filed since an action to revoke registration is a timely process and may extend beyond the registration period or to not act where the car wash is out of business or the bond was not provided for a short period of time and has since been corrected.	

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		MONROE, Bet Tzedek Legal Services, Los Angeles Workers' Advocates Coalition (LAWAC), letter rec'd 6/21/05; and testimony at public hearing.		